REMARKS

By way of this Amendment, independent Claim 18 and dependent Claim 19 have been canceled. Thus the only claims current at issue in this application are Claims 3-11, 13-17 and 20-23. Claims 11 and 20 are the only independent claims.

The Examiner is kindly asked to reconsider the rejections of independent Claims 11 and 20 because it appears there may be a misunderstanding concerning the claimed subject matter and/or the disclosure in U.S. Patent No. 6,588,813 to *Marcarini et al.*

Looking first at independent Claim 20, this claim was rejected as being anticipated by the disclosure in *Marcarini et al.* This document discloses a vehicle door handle having a connecting structure 4 secured to the inside of a door panel 3 and a control lever 5 hinged to the connecting structure 4. A magnetic device 7 detects the presence of a user's hand close to the control lever 5 and supplies a signal to a control unit 8. The magnetic device 7 includes a wire aerial 12 having one end portion 13 positioned in the control lever 5 and another portion 14 housed inside a seat on the connecting structure 4. As depicted in Fig. 1 of *Marcarini et al.*, The wire aerial 12 is connected to one end of a metal conducting strip 19, while the other end of the wire conducting strip 19 is connected to an interface circuit which supplies a signal to the control unit 8.

The discussion at the bottom of column 2 of *Marcarini et al.* describes the operation of the vehicle door handle as follows.

> As the user approaches the vehicle, a known aerial (not shown) reads, in known manner, an identification code carried by the user, and supplies unit 8 with a recognition signal to activate or alert unit 8. At this point, as the user's hand approaches handle 1, magnetic aerial 12 detects the variation in the magnetic field and supplies the interface circuit (not shown) with a signal via sliding connection 20 and strip member 19; the interface circuit in turn

supplies a signal to control unit 8, which, in response, releases the various lock safety devices to enable the user to open the doors by turning respect levers 5.

One of the differences between the door handle device recited in independent Claim 20 and the disclosure in *Marcarini et al.* involves the recitation of the transmitting portion. Claim 20 refers to the signaling circuit that is electrically connected to the sensor electrode and integrally provided with the frame, and recites that the signaling circuit comprises a transmitting portion that transmits a request signal requesting receipt of an identification signal from a device carried by the user. *Marcarini et al.* does not disclose a signaling circuit integrally provided with the frame/connecting structure 4 and comprising the claimed transmitting portion that transmits a request signal requesting receipt of an identification signal from a device carried by the user.

The Official Action addresses this aspect of the claimed subject matter by referring to the discussion in the last two lines of the Abstract in *Marcarini et al.* However, this portion of the Abstract merely mentions that an identification code carried by the user is read. More specifically, the Abstract describes that the magnetic aerial detects a variation in the magnetic field when the user's hand approaches the handle and supplies a presence signal to the control unit to release the lock once the identification code carried by the user is read. This description in the Abstract merely refers to the above-quoted portion of the disclosure in *Marcarini et al.* describing the reading of an identification code carried by the user. This reading of the identification code is also discussed in the first full paragraph of column 2 of *Marcarini et al.* which describes that the magnetic device 7 detects the presence of a user's hand close to the control lever and supplies a user-present signal to the control unit which, on receiving the signal, and after reading an

identification code carried by the user, enables the lock to be set to a safety off mode allowing the door 3 to be opened.

Thus, what distinguishes Claim 20 over the disclosure in *Marcarini et al.* is that *Marcarini et al.* does not describe a transmitting portion which transmits a request signal requesting receipt of an identification signal from a device carried by the user. Rather, *Marcarini et al.* only talks in terms of reading an identification code carried by the user. More importantly though, *Marcarini et al.* does not disclose that such a transmitting portion should be integrally provided with the frame/connecting structure 4 (i.e., *Marcarini et al.* lacks disclosure of a sensor electrode integrally provided with the frame and comprising the claimed transmitting portion).

It is thus respectfully submitted that Claim 20 cannot be anticipated by the disclosure contained in *Marcarini et al.*

In the event the Examiner continues to believe that *Marcarini et al.* discloses a signaling circuit integrally provided with the frame/connecting structure 4 and comprising the transmitting portion as claimed, the Examiner is kindly asked to provide a more detailed discussion of where *Marcarini et al.* discloses such features so that applicants will have a better understanding of the basis for the current rejection.

With respect to independent Claim 11, the Official Action sets forth a rejection based on the disclosure in *Marcarini et al.* in view of the disclosure in U.S. Patent No. 6,075,294 to *Van Den Boom et al.* It is respectfully submitted that independent Claim 11 is patentably distinguishable over the combined disclosures contained in *Marcarini et al.* and *Van Den Boom et al.* for several reasons.

First, the Official Action recognizes that *Marcarini et al.* does not disclose a sensor electrode that detects a user approaching the vehicle door based on variation

of capacitance. The Official Action notes that *Van Den Boom et al.* discloses a sensor that detects a user approaching the vehicle door based on capacitance variation. The Official Action takes the position that it would have been obvious to utilize this sensor disclosed in *Van Den Boom et al.* in place of the magnetic sensing device described in *Marcarini et al.* However, a careful reading of the disclosure in *Marcarini et al.* reveals that such a modification would not have been obvious to one of ordinary skill in the art.

Marcarini et al. specifically utilizes the disclosed magnetic sensing device to address problems associated with other known door handle devices. The discussion beginning in line 16 of column 3 of *Marcarini et al.* emphasizes the importance of the magnetic detecting device 7 and describes how it is central to achieving the objective sought to be achieved. Considering that the objective disclosed in *Marcarini et al.* is achieved through use of the disclosed magnetic detecting device, one of ordinary skill in the art would not have been motivated to replace this magnetic detecting device with the sensor disclosed in *Van Den Boom et al.* That is, one of ordinary skill in the art studying the disclosure in *Marcarini et al.* would have realized that *Marcarini et al.* is specifically concerned with utilizing a magnetic detecting device for purposes of providing an improved vehicle door handle. Thus, replacing this magnetic sensing device with the sensor disclosed in *Van Den Boom et al.* would have been contrary to the entire purpose for the disclosure in *Marcarini et al.*

Independent Claim 11 is further distinguishable over the combined disclosures in *Marcarini et al.* and *Van Den Boom et al.* for an additional reason. Independent Claim 11 recites that the circuit electrically connected to the sensor electrode is mounted in the frame and is positioned between the frame and the outer

panel of the door. This is not the case with the disclosure contained in *Marcarini et al.*

Marcarini et al. specifically discloses that the end portion 22 of the strip member 19 is connected to a known interface circuit (not shown) housed inside a cavity on the frame/connecting structure 4. *Marcarini et al.* describes that this cavity in the frame/connecting structure 4 is closed by a cover 23. Thus, *Marcarini et al.* describes that the frame/connecting structure 4 is provided with a recess that faces downwardly with reference to the Fig. 1 illustration. This downwardly facing recess houses the interface circuit and is covered by the cover 23. The interface circuit is thus positioned between the frame/connecting structure 4 and the cover 23, the latter of which is separate from the frame/connecting structure 4. Thus, *Marcarini et al.* lacks disclosure that the interface circuit is positioned between the frame/connecting structure 4 and the outer panel 3 of the door. Indeed, *Marcarini et al.* discloses just the opposite.

For at least the reasons discussed above, it is respectfully submitted that the obviousness rejection of independent Claim 11 is improper and should be withdrawn.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL PC

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By: _____
Matthew L. Schneider
Registration No. 32,814

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620